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Sorenson, Ofc. Sandoval and Ofc. Doolittle

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSE DECASTRO,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; STATE OF NEVADA;
BRANDEN BOURQUE; JASON TORREY;
C. DINGLE; B. SORENSON; JESSE
SANDOVAL; OFFICER DOOLITTLE and
DOES 1 to 50, inclusive,

Defendants.

Case Number:
2:23-cv-00580-APG-EJY

**[PROPOSED] JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

**(SPECIAL SCHEDULING REVIEW
REQUESTED)**

Pursuant to Federal Rule of Civil Procedure 26(f), Defendants Las Vegas Metropolitan Police Department ("LVMPD"), Ofc. Torrey, Ofc. Bourque, Ofc. Dingle, Ofc. Sorenson, Ofc. Sandoval and Ofc. Doolittle ("LVMPD Defendants"), by and through their attorneys of record, Marquis Aurbach, and Plaintiff Jose DeCastro, Pro Per, (collectively referred to as the "Parties"), hereby submit their Proposed Joint Discovery Plan and Scheduling Order.

I. APPEARANCES

Plaintiff filed his Complaint on April 17, 2023. (ECF No. 2) The Plaintiff filed his First Amended Complaint on May 7, 2023. (ECF No. 13) The LVMPD Defendants filed their Motion for Partial Dismissal on June 1, 2023. (ECF No. 15) The LVMPD Defendants

1 filed their Answer to the Plaintiff's First Amended Complaint on July 6, 2023. (ECF No.
2 33)

3 **II. MEETING**

4 Pursuant to FRCP 26(f) and LR 26-1(a), an initial case conference was conducted
5 telephonically on November 14, 2023. Plaintiff Jose DeCastro attended and Craig R.
6 Anderson, Esq. attended for the LVMPD Defendants.

7 **A. PRE-DISCOVERY DISCLOSURES**

8 The LVMPD Defendants provided their initial disclosures on November 15, 2023.
9 The LVMPD Defendants reserve the right to object to the disclosures at the time of the Joint
10 Pre-Trial Order. Plaintiff will provide his initial disclosures on or before November 27, 2023
11 and reserves his right to object to the disclosures at the time of the Joint Pre-Trial Order.

12 **B. COURT CONFERENCES**

13 The LVMPD Defendants do not request a conference with the Court before entry of
14 the Scheduling Order.

15 **C. ALTERNATIVE DISPUTE RESOLUTION AND CASE DISPOSITION**

16 The Parties have agreed to meet and confer prior to expert depositions to discuss
17 settlement options regarding any and all Parties, including any new Parties. Pursuant to LR
18 26-1(b)(8), and FRCP 73, the Parties agree to discuss trial by a magistrate judge.

19 **D. ELECTRONIC EVIDENCE**

20 The Parties certify they have discussed whether they intend to present evidence in
21 electronic format to jurors for the purposes of jury deliberations. While no stipulations have
22 been reached at this time, the Parties will present evidence in electronic format to jurors for
23 the purposes of jury deliberations.

24 **III. DISCOVERY PLAN**

25 The LVMPD Defendants propose to the Court the following discovery plan:

26 **A. SUBJECT OF DISCOVERY**

27 Discovery will be needed on all of the following subjects: All claims set forth in
28 Plaintiff's causes of action, as well as the defenses relevant to the action.

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All discovery must be commenced in time to be completed by May 15, 2024.

C. AMENDING THE PLEADINGS AND ADDING PARTIES

The parties have until April 15, 2024, to file any motions to amend the pleadings or to add Parties. This is thirty (30) days prior to the discovery cut-off date.

D. FRCP 26(A)(2) DISCLOSURES (EXPERTS)

Disclosure of experts shall proceed as follows: The Parties shall disclose their experts at least sixty (60) days before the discovery cut-off date by March 15, 2024. The Parties shall disclose their rebuttal experts at least thirty (30) days after the initial date for disclosure of experts by April 15, 2024. Further, the Parties agree to make their experts available for deposition, and facilitate the same, prior to discovery cut-off.

E. DISPOSITIVE MOTIONS

The Parties shall have until June 14, 2024 to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

F. PRETRIAL ORDER

The pretrial order shall be filed by July 15, 2024, which is thirty (30) days, after the date set for filing dispositive motions in this case prior to filing dispositive motions in this case. This date is suspended if the dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after the Court files an order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

IV. OTHER ITEMS**A. INTERROGATORIES AND DEPOSITIONS**

The Parties agree to the customary total number of interrogatories of 25 per party; the Parties may agree to more interrogatories by mutual agreement or application to the Court. The Parties also agree to no more than ten (10) depositions by the Plaintiff and no

more than ten (10) depositions by the LVMPD Defendants as provided in Rule 30(a)(2)(A)(i). However, the Parties may agree to more depositions by mutual agreement or application to Court.

B. EXTENSION OF ANY DATE OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER LF 26-4 GOVERNS MODIFICATIONS OR EXTENSIONS OF THIS DISCOVERY PLAN AND SCHEDULING ORDER.

Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline. A request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall include: (a) A statement specifying the discovery completed; (b) A specific description of the discovery that remains to be completed; (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and, (d) A proposed schedule for completing all remaining discovery.

C. LATER APPEARING PARTIES

A copy of this discovery plan and scheduling order shall be served on any person served after it is entered, or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later-appearing Parties, unless the Court, on motion and for good cause shown, orders otherwise.

ACTIVITY	DATE
Amend Pleadings	4/15/24
Disclose Experts	3/15/24
Rebuttal Experts	4/15/24
Discovery Cut-Off Date	5/15/24
Dispositive Motions	6/14/24

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Pretrial Order

7/15/24

IT IS SO STIPULATED this 20th day of November, 2023.

MARQUIS AURBACH

JOSE DECASTRO

By: /s/ Craig R. Anderson
Craig R. Anderson, Esq.
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Attorneys for Defendants

By: Jose DeCastro
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1258 Franklin Street
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Plaintiff Pro Se

ORDER

IT IS SO ORDERED:

United States District Court Judge

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